

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

November 3, 1998

JORGE M. IPINA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 98B00083
)	
MICHIGAN JOBS COMMISSION,)	
Respondent.)	
_____)	

REQUEST TO THE OFFICE OF SPECIAL COUNSEL FOR INFORMATION

This is an action arising under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b, in which Jorge M. Ipina is the complainant and the Michigan Jobs Commission is the respondent. Ipina filed a complaint with this office on August 5, 1998, which alleged that respondent discriminated against him based on his national origin and citizenship status and retaliated against him because he filed or planned to file a complaint. Respondent filed a motion to dismiss which alleged, inter alia, that complainant's charge with the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) was untimely filed. No copy of the alleged charge accompanied the complaint; however, the complainant alleged that he filed his charge on May 31, 1996.

A preliminary prehearing conference was held in this matter on November 3, 1998 at which respondent reported that it had never received a copy of the OSC charge, and complainant indicated he was uncertain as to precisely what papers he had filed. Attached to the complaint was a letter dated September 10, 1996 from OSC to Ipina stating that his charge form had been received on August 19, 1996, that his charge was still incomplete, and that he should provide certain information within 45 days. It appears that Ipina responded to this inquiry on October 7, 1996.

It is unclear from the record when Ipina's charge was actually filed with or deemed filed by OSC. OSC is therefore requested to provide the following information concerning the Ipina charge, OSC Charge Number 38-10:

1. the date which Ipina initially submitted the charge to OSC,
2. when and if the charge was deemed to be complete, and

3. what date was deemed by OSC to be the filing date of the charge.

OSC is also requested to submit a copy of Ipina's charge form.

A response would be most helpful if provided prior to December 3, 1998.

SO ORDERED.

Dated and entered this 3rd day of November, 1998.

Ellen K. Thomas
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of November, 1998, I have served copies of the foregoing Request for Information from the Office of Special Counsel for Immigration-Related Unfair Employment Practices on the following individuals at the addresses indicated:

John D. Trasviña, Esq.
Special Counsel
Office of Special Counsel for Immigration-
Related Unfair Employment Practices
P.O. Box 27728
Washington, D.C. 20038-7728

Jorge M. Ipina
P.O. Box 215012
Auburn Hills, MI 48321

Thomas F. Schimpf, Esq.
Assistant Attorney General
Jobs Commission Division
201 N. Washington Square, 2nd Floor
Lansing, MI 48913

Office of the Chief Administrative Hearing Officer
5107 Leesburg Pike, Suite 2519
Falls Church, VA 22041

Cynthia A. Castañeda
Paralegal Specialist assigned to
Ellen K. Thomas
Administrative Law Judge
Office of the Chief Administrative Hearing Officer
5107 Leesburg Pike, Suite 1905
Falls Church, VA 22041
(703) 305-1742